

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MIGUEL A. RIVERA-SANTIAGO
Petitioner-Appellant

v.

UNITED STATES OF AMERICA
Respondent-Appellee

Cv. 97-1557(RLA)

**PETITIONER'S MOTION REQUESTING FURTHER ENLARGEMENT OF DATE
TO FILE MOTION OUTLINING ISSUES TO BE EXAMINED
AT EVIDENTIARY HEARING, ORDER TO WARDEN AT FCI ALLENWOOD
AND ANY OTHER REMEDY PURSUANT TO LAW**

**TO THE HONORABLE COURT
HONORABLE RAYMOND L. ACOSTA,
SENIOR U.S. DISTRICT JUDGE:**

Comes now the defendant, Miguel A. Rivera-Santiago, by the undersigned counsel, and very respectfully states, informs, and prays as follows:

1. On November 3, 2004, this Honorable Court, Honorable Raymond L. Acosta, Senior U.S. District Judge, granted a petitioner's request to enlarge the date to file the motion outlining issues to be examined at evidentiary hearing. The Honorable Court ordered that said motion shall be filed **on or before November 29, 2004.**

When said motion for enlargement was filed, this counsel had just completed case dispositions in Cr. 04-134-01(SEC) (September 3, 2004) and 04-195-01(PG) (September 19, 2004, after commencement of trial). As of 11/3/04, trial in Cr. 03-081-04(HL) was set for 11/8/04 and trial

in Cr. 02-377-06(DRD) was set for 11/10/04. Both were continued on the eve of trial. Trial in Cr. 03-122-02(DRD) was set for 11/15/04, concluding by acquittal on 11/23/04.

2. It was only yesterday, November 28, 2004, that the undersigned counsel was able to have a first comprehensive meeting (for six (6) hours) with the petitioner at MDC - Guaynabo to outline issues to be examined at evidentiary hearing. A problem has arisen since the package containing the legal documents of the petitioner remained at FCI Allenwood (Medium). The package holds his notes and copies of relevant documents to the issues to be examined at evidentiary hearing.

3. The petitioner prays this Honorable Court to issue an Order to the Warden at FCI Allenwood to send the petitioner or the undersigned counsel any and all legal documents contained in said package within fifteen (15) days. The petitioner prays this Honorable Court as well to allow thirty (30) days after the receipt of the legal documents from FCI Allenwood to set the due date to file the motion outlining issues to be examined at evidentiary hearing, or to set said date for January 18, 2005.

The undersigned counsel understands that, if both prayers are granted, no further enlargements shall be requested since the thrust of court proceedings have been disposed of via trial or plea negotiations. Although there are two (2) trials pending, they are scheduled for February, 2005.

THEREFORE, for the above stated reasons, it respectfully requested to this Honorable court, Honorable Raymond L. Acosta, Senior U.S. District Judge, to grant the instant request for the issuance of an Order to the Warden at FCI Allenwood to send the petitioner or the undersigned counsel any and all legal documents contained in the petitioner's package that remained at said

institution within fifteen (15) days, and to enlarge the date to file the motion outlining the issues to be examined at evidentiary hearing allowing thirty (30) days after the receipt of the legal documents from FCI Allenwood, or by the 18th of January 2005, and any other remedy pursuant to law.

I hereby certify that today I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney Edwin Vázquez-Berrios, United States Attorney's Office, Torre Chardon, 350 Carlos Chardon St., Suite 1201, Hato Rey, PR 00918.

Respectfully submitted, in San Juan, Puerto Rico, today, November 29, 2004.

FOR COURT-APPOINTED DEFENDANT
MIGUEL A. RIVERA-SANTIAGO

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